

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOYCE CIANFRANI, <i>et al.</i> ,	:	CIVIL ACTION
Plaintiffs	:	
	:	
v.	:	
	:	
	:	
BOROUGH OF CLIFTON HEIGHTS,	:	
SERGEANT BROWN, and POLICE	:	
OFFICER, JOHN DOE,	:	
Defendants	:	NO. 09-46

**ORDER**

AND NOW, this 21<sup>st</sup> day of October, 2010, upon consideration of Defendants' Motion for Partial Summary Judgment, Plaintiffs' Response thereto, Defendants' Reply to Plaintiff's submission, and for the reasons detailed in today's Memorandum, it is hereby ORDERED that Defendants' Motion for Summary Judgment is GRANTED in PART and DENIED in PART, as detailed below:

1. With respect to Plaintiff Lisa Russell's substantive due process and bystander liability claims (Counts III and IV, respectively), Defendants' Motion for Summary Judgment is GRANTED;
2. With respect to Plaintiff Joyce Cianfrani's excessive force claim against Sergeant Stephen Brown (Count II), Defendant's Motion for Summary Judgment is GRANTED; and
3. With respect to Plaintiffs Russell and Cianfrani's *Monell* claim (Count V), Defendant Clifton Heights' Motion for Summary Judgment is GRANTED.

4. Plaintiffs Russell and Cianfrani's unlawful seizure claims against Defendant Sgt. Brown (Count I), Plaintiff Russell's excessive force claim against Sgt. Brown (Count II) and Plaintiff Cianfrani's bystander liability claim against Sgt. Brown (Count IV) shall proceed to trial.

IT IS FURTHER ORDERED that the caption of this matter shall be amended by deleting any reference to former Defendant, BOROUGH OF CLIFTON HEIGHTS.

IT IS SO ORDERED.

BY THE COURT:

/s/ Carol Sandra Moore Wells  
CAROL SANDRA MOORE WELLS  
UNITED STATES MAGISTRATE JUDGE